

REMARKS

Claims 1-19 were pending in the application. Claims 11 and 18 have been amended. New claims 20-25 have been added.

Claims 11 and 18 were amended to further clarify the claimed invention. Support for the amendments to claims 11 and 18 and for new claims 20-25 can be found throughout the application as originally filed including, for example, in paragraphs [0021], [0033], [0048], [0126], and [0177].¹

No new matter has been added.

Upon entry of this amendment, claims 1-25 will be pending.

Restriction Requirement

Claims 1-19 are subject to a restriction requirement. The Examiner required Applicants to elect one of twelve allegedly patentably distinct inventions for examination. The Office also requires the further election of a single nucleotide sequence in the event that any of Groups I-XI is elected.

Although Applicants respectfully traverse the restriction requirement on the grounds that examining more than one invention would not constitute a serious burden, Applicants provisionally elect herein Group VI, directed to claims 11 and 18 (and new claims 20-25). Applicants further select SEQ ID NO:174.

Applicants respectfully assert that several of the groups identified in the Office Action are amenable to further grouping and that such further grouping would not impose a serious burden on the Examiner. For example, Applicants respectfully assert that two or more of groups III, IV, V or VII should be searched together especially considering that the Office has chosen to limit the search to a single sequence. Applicants note that Groups III and IV and VII are all classified in class 435, subclass 4.

Applicants also assert that several of the nucleotide sequences should be grouped and considered together. For example, for each gene identified in the present application, Applicants provide genomic, mRNA and coding sequences from both human and rat. Applicants assert that

¹ Paragraph numbers are set forth in the published application, U. S. Patent Application Publication No. 20040072154.

FILED: November 30, 2001

the Office should search at least the human mRNA and coding sequences together. Alternatively, Applicants assert that the human and rat sequences should be searched together, i.e. searching together human and rat mRNA, or human and rat coding sequences for a given gene.

Applicants reserve the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

Change of Correspondence Address

As set forth on the attached "Change of Correspondence Address" form SB-122, Applicants respectfully request that all future correspondence related to this application be directed to:

Customer Number 55255
SAGRES DISCOVERY INC.
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097

Sep-01-2005 15:21 From-COZEN O'CONNOR
CHIR0024-100 (PP025794.0001)
SERIAL NO.: 09/997,722

215-665-2013

T-712 P.013/013 F-698

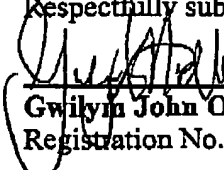
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Conclusion

The examination of the pending claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (215) 665-6904 to clarify any unresolved issues raised by this response.

Respectfully submitted,


Gwilym John Owen Attwell
Registration No. 45,449

Date: September 1, 2005
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103-3508
Telephone: (215) 665-6904
Facsimile: (215) 701-2004

PHILA1\2333204\2